

APPLICANT(S): GLUKHOVSKY, Arkady et al.

SERIAL NO.: 10/643,086

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REMARKS

The present application is a continuation-in-part of U.S. Application Serial Number 09/806,714, which has the priority date of August 4, 1999.

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-12 are pending in the application. Claims 1-12 have been rejected. Claims 1, 2, 11 and 12 have been amended.

Claims 3-5, 9 and 10 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

Applicants respectfully assert that the amendments to the claim add no new matter.

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CLAIM REJECTIONS

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1 and 6 under 35 U.S.C. § 103(a), as being unpatentable over KURANISHI in view of CAZIER.

Applicants have amended claim 1 to include the limitation of claim 5. Applicants further amended claim 1 to include "a capsule".

The Examiner does not assert that KURANISHI or CAZIER teach or suggest a capsule. Thus, neither KURANISHI nor CAZIER, alone or in combination, teach or suggest the invention of amended claim 1.

The Examiner also rejected claim 5, now included in claim 1, under 35 U.S.C. § 103(a), as being unpatentable over KURANISHI and CAZIER and further in view of KRILL. KURANISHI and CAZIER have been discussed above.

The Examiner has further asserted that "KRILL discloses that is known in the art to provide an autonomous in-vivo device for carrying an imaging sensor into the body". However, KRILL may claim a priority date from September 24, 2002 while the present application claims priority date from August 4, 1999. The feature of providing "an autonomous in vivo device for carrying an imaging sensor into the body" has been disclosed in US patent application no. 09/806,714 (now US patent no. 6,607,301) claiming the priority date August 4, 1999 (see, for example, in col. 3, lines 17-22, col. 5, lines 14-16 and figure 4), thus this feature has been disclosed by the applicants of the present invention prior to the date of the invention of KRILL. Accordingly, Applicants believe that citing KRILL against amended claim 1 is unjustified, and respectfully assert that this rejection should be withdrawn.

The Examiner has also rejected claims 2, 7 and 8 under 35 U.S.C. § 103(a), as being unpatentable over KURANISHI in view of CAZIER.

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Applicants have amended claim 2 to further recite: "a capsule comprising" and "contained within said capsule".

The Examiner does not assert that KURANISHI or CAZIER teach or suggest "capsule". Thus, neither KURANISHI nor CAZIER, alone or in combination, teach or suggest the invention of amended claim 2. Accordingly, Applicants respectfully assert that this rejection should be withdrawn.

Claim 6 depends from amended claim 1 and therefore includes all the limitations of this claim. Therefore, Applicants respectfully assert that claim 6 is likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to claim 6 dependent thereon.

Claims 7 and 8 depend from amended claim 2 and therefore include all the limitations of this claim. Therefore, Applicants respectfully assert that claims 7 and 8 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to claims 7 and 8 dependent thereon.

The Examiner has also rejected claims 4, 11 and 12 under 35 U.S.C. § 103(a), as being unpatentable over KURANISHI in view of CAZIER.

Claim 4 has been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to claim 4 dependent thereon.

Amended claims 11 and 12 depend from amended claim 2 and therefore include all the limitations of this claim. Therefore, Applicants respectfully assert that amended claims 11 and 12 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended claims 11 and 12 dependent thereon.

The Examiner has also rejected claims 3, 9 and 10 under 35 U.S.C. § 103(a), as being unpatentable over KURANISHI in view of CAZIER.

Claims 3, 9 and 10 have been canceled without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional

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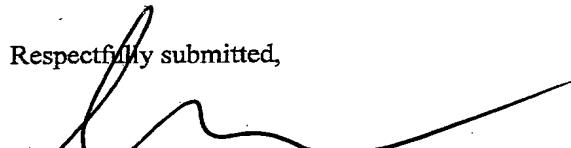
and/or continuation patent applications. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to claims 3, 9 and 10 dependent thereon.

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


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